

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY WATTS,

Petitioner,

CASE NUMBER: 10-12899
HONORABLE VICTORIA A. ROBERTS
Magistrate Judge Paul J. Komives

v.

DAVID BERGH,

Respondent.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Before the Court is Petitioner Gregory Watts' Application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Court referred the matter to Magistrate Judge Paul J. Komives for Report and Recommendation ("R & R") pursuant to 28 U.S.C. § 636(b)(1)(B). Petitioner filed objections; respondent did not file a response to the objections.

This Court reviews de novo any part of the magistrate's recommendation on a dispositive motion that is properly objected to. 28 U.S.C. § 636(b)(1). After careful review of the entire record, the Court agrees with the Magistrate's conclusions. The Magistrate's thorough Report lays out the facts and procedural history of the case, as well as the relevant case law, and rejects each of Petitioner's claims with a reasoned explanation for so holding.

In addition, Magistrate Komives recommends that the Court deny a certificate of appealability ("COA"). An appeal may not be taken from a final order in a habeas case

unless a COA is issued. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22(b). A COA may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a district court rejects a habeas claim on the merits, “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner has not shown that reasonable jurists would find the Court’s assessment of the constitutional claims debatable or wrong. The Court declines to issue a COA.

Accordingly, for the reasons stated in Magistrate Komives’ Report, the Court **OVERRULES** Petitioner’s objections and **DENIES** his application for a writ of habeas corpus. The Court **DENIES** Petitioner’s request for a COA. Magistrate Komives R & R is incorporated by reference here.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: February 22, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record and Gregory Watts by electronic means or U.S. Mail on February 22, 2012.

s/Carol A. Pinegar
Deputy Clerk